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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,689	12/06/2000	Shamel A. Bersiek	D-2872CIP	9222

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EXAMINER

RIOS CUEVAS, ROBERTO JOSE

ART UNIT	PAPER NUMBER
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2836

DATE MAILED: 10/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,689

Applicant(s)

BERSIEK, SHAMEL A.

Examiner

Roberto J. Rios

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 . 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 4, 6-12 and 14-18 are rejected under 35 U.S.C. 102(a) as being anticipated by POWERWARE 5140 Brochure and User's Guide (The brochure has a publication date of 7/1999. Thus, the Examiner is assuming the user's guide has the same publication date for examination purposes).

As per claims 1, 2 11, and 15, POWERWARE 5140 teaches an electrical power distribution apparatus comprising a housing structured to be mounted in a fixed position on a rack; an electrical power input assembly, which comprises a circuit panel, the power input assembly being located substantially in the housing and the circuit panel is structured to be directly hard-wired connected to a commercial electrical power supply provided by a commercial power supply source (User's Guide page 23); and a plurality of electrical power output assemblies located substantially in the housing, electrically connected to the input assembly, and structured to receive electrical power from the input assembly, the plurality of electrical power output assemblies including a plurality of first output connections each of which is structured to be hard-wired to a piece of equipment to provide electrical power (User's Guide page 23) and a plurality of second

output connections each of which comprises a receptacle structured to receive an equipment plug to provide electrical power (last page of brochure).

As per claims 4 and 17, POWERWARE 5140 teaches a meter located within the housing and structured to monitor at least one property of electrical power passing through the input assembly (User's Guide page 37).

As per claims 6, 7, POWERWARE 5140 teaches the input assembly being structured to be electrically connected to a single-phase electrical power supply (User's Guide page 22).

As per claims 8, 18, POWERWARE 5140 teaches that a different circuit breaker could be provided to each output assembly (User's Guide page 43).

As per claims 9 and 12, POWERWARE 5140 teaches that differently configured receptacles could be provided for accommodating differently configured equipment plugs (User's Guide page 43).

As per claim 10, POWERWARE 5140 teaches the output assemblies mounted in the circuit panel.

As per claim 14, POWERWARE 5140 teaches that at least 8 receptacles could be provided (User's Guide page 43).

As per claim 16, POWERWARE 5140 teaches the housing being rack mounted on a 19-inch rack.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2836

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over POWERWARE 5140 in view of Kozlowski et al (US patent 5,747,734).

As per claim 3, POWERWARE 5140 does not specifically teach the power distribution unit within a housing comprising a front and back access door. However, Kozlowski et al (herein after Kozlowski) teach a power distribution unit comprising a front a back access door (Figure 12) for easily accessing the electrical connections and to protect said connections from external influences.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of POWERWARE 5140 and Kozlowski such that PDU comprises a front a back access door for easily accessing the electrical connections and to protect said connections from any external influence.

5. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over POWERWARE 5140.

As per claim 5, POWERWARE 5140 teaches the apparatus coupled to an electrical power supply but does not specifically disclose a transformer in electrical communication with the power supply and the input assembly. However, the Examiner takes official notice that it is well known in the art to use a coupling transformer to adjust the commercial supply power to a usable power capacity. Thus, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to

provide a coupling transformer to adjust the commercial supply power to a usable power capacity.

As per claim 13, POWERWARE 5140 teaches the PDU comprising hard-wired output connections but does not specifically disclose providing at least 8 output connections. However, the Examiner takes official notice that it is well known in the art to provide multiple hard-wired output connection based on the amount of hard-wired equipment to be supplied and the power capacity of said equipments. Thus, it would have been obvious to one of ordinary skill in the art to modify POWERWARE 5140 such that at least 8 hard-wired output connections are provided based on the amount of hard-wired equipment to be supplied and the power capacity of said equipments.

6. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over POWERWARE 5140 in view of Domigan (US patent 5,675,194).

As per claim 19, POWERWARE 5140 teaches the claimed power distribution apparatus but does not specifically disclose providing a plurality of interconnected power distribution apparatus in an electrical power distribution system. However, Domigan teaches an electrical power distribution system for a building comprising a plurality of interconnected power distribution apparatus (Figures 1-3, 5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of POWERWARE 5140 and DOMIGAN such that a plurality of PDU are used in an electrical power distribution system for a building for the purpose of providing a modular power distribution system throughout a building.

As per claim 20, POWERWARE 5140 teaches the housings being rack mountable.


As per claim 21, POWERWARE 5140 teaches a meter located within the housing and structured to monitor at least one property of electrical power passing through the input assembly (User's Guide page 37).

7. Art of general nature relating to power distribution has been cited for applicant's review.

Communication with PTO

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rios whose telephone number is (703) 306-5518. In the event that Examiner Rios cannot be reached, his supervisor, Brian Sircus may be contacted at (703) 308-3119. The fax number for Before-Final communications is (703) 872-9318, for After-Final communications is (703) 872-9319, and for Customer Service is (703) 872-9317.

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